

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

<p>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</p> <p>Plaintiff,</p> <p>v.</p> <p>TEXAS ROADHOUSE, INC., TEXAS ROADHOUSE HOLDINGS LLC, TEXAS ROADHOUSE MANAGEMENT CORP.,</p> <p>Defendants.</p>	<p>Civil Action No. 1:11-cv-11732</p>
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DEFENDANTS' MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b), Defendants Texas Roadhouse, Inc., Texas Roadhouse Holdings LLC, and Texas Roadhouse Management Corp. (collectively, "Texas Roadhouse" or "Defendants") hereby move that this Court dismiss Plaintiff's Complaint. The grounds for this motion, as set forth in more detail in the memorandum of law submitted herewith, are, in part, that the Complaint fails to plead a cause of action and fails to put Texas Roadhouse on notice of the claims alleged, the Age Discrimination in Employment Act of 1967 ("ADEA") does not authorize "pattern and practice" claims, and the Complaint does not plead a cause of action as to each Texas Roadhouse Defendant individually.

For the reasons above and those set forth in the accompanying memorandum of law, Texas Roadhouse respectfully requests that the Court dismiss EEOC's Complaint.

Date: January 31, 2012

Respectfully submitted,

Defendants Texas Roadhouse, Inc.,
Texas Roadhouse Holdings LLC, and
Texas Roadhouse Management Corp.

By their attorneys,

/s/ M. Amy Carlin

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CERTIFICATION PURSUANT TO RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for Defendants certifies that she has conferred with Plaintiff's counsel in a good faith attempt to resolve and/or narrow the issues raised by the instant motion.

/s/ Carrie A. McAtee
Carrie A. McAtee

Certificate of Service

I hereby certify that this document filed through the ECF system on January 31, 2012 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ M. Amy Carlin
M. Amy Carlin